

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NOS. 04-1790/2896

RONALD CANTOR; IVAN SNYDER;
JAMES A. SCARPONE, as Trustees of
the MAFCO Litigation Trust,

Appellants

v.

RONALD O. PERELMAN; MAFCO HOLDINGS, INC.;
MACANDREWS & FORBES HOLDINGS, INC.;
ANDREWS GROUP INCORPORATED;
WILLIAM C. BEVINS; DONALD G. DRAPKIN

On Appeal From the United States District Court
For the District of Delaware
(D.C. Civil Action No. 97-cv-00586)
District Judge: Hon. Kent Jordan

Argued February 14, 2005

BEFORE: SLOVITER, ALDISERT and STAPLETON,
Circuit Judges

JUDGMENT

This cause came on to be heard on the record from the United States District Court for the District of Delaware and was argued by counsel on February 14, 2005.

On consideration whereof, it is now here ORDERED AND ADJUDGED by this Court as follows:

The Order of the said District Court entered June 9, 2004, and its Order entered

February 18, 2004, adopting the Report and Recommendation of the Magistrate Judge dated December 9, 2002, are reversed in part and affirmed in part as follows:

1. The summary judgments in favor of the defendants on plaintiffs' unjust enrichment claims are REVERSED.

2. The summary judgments in favor of defendants on plaintiffs' damage claims with respect to the issuance of the Parent Notes and the Marvel III Notes are REVERSED.

3. The summary judgments in favor of the defendants on plaintiffs' damage claim arising from the Marvel Holdings Note issuance are AFFIRMED.

4. The District Court's refusal to enter summary judgment in plaintiffs' favor is AFFIRMED.

5. This matter is REMANDED for further proceedings consistent with this opinion.

Costs are taxed against Appellees.

All of the above is in accordance with the opinion of this Court.

ATTEST:



Clerk

DATED: July 12, 2005